

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
October 17, 2001**

Mayor Neisen O. Kasdin
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner David Dermer
Commissioner Luis R. Garcia, Jr.
Commissioner Nancy Liebman
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1	Cert. of Apprec./F. Blanco, Repair of Normandy Shores Security Gate/Saved City Money.	1
PA2	Cert. of Apprec./Companies which Helped PAL Assist Youth of our Community. (Kasdin)	
PA3	2:30 p.m. Cert. of Apprec./Major Charles Press, Graduating from FBI National Academy. (Kasdin)	
PA4	Cert. of Apprec./Maria Cruz, 33 Years Dedication to Students of MB Sr. High School. (Garcia)	
PA5	Proclamation/Designate October as "Breast Cancer Awareness Month". (Kasdin)	
PA6	2:30 p.m. Cert. of Apprec./Officer Aimes, "Going That Extra Mile Award", Helping a Tourist in Need.	
PA7	2:30 p.m. Cert. of Apprec./Police Retirees, Years of Dedicated Service to the CMB. (Garcia)	
PA8	W -Proclamation/World Population Awareness Week. (Kasdin)	
PA9	Proclamation/Father Albert, Dr. Lichter & G. Mursuli, in Honor of "Hispanic Heritage Month". (Bower)	
PA10	2:30 p.m. Award/Mayor Kasdin, His Service As Mayor Of Miami Beach/Hispanic Community Center.	
PA11	Presentation re: Miami Modern ("MiMO") Project. (Liebman)	3
PA12	New Item: 2:30 p.m. Proclamation/South Florida Urban Search & Rescue Task Force Day.	
C2A	BA 46-00/01, Pressure Clean/Stucco Repair & Painting of Fleet Mgmt Bldgs., \$47,990.	7
C7A	Approve Amendment to A/E Service Agmt., Restoration of Historic Bldg. & Fire Station #2.	9
C7B	Execute Service Agmt. w/ Corradino, North Shore Neighborhood Streetscape Project.	15
C7C	Approve CMB, Video Tape Mayoral/Commission Presentations on Channel 20.	55
C7D	Adopt Program of Production Incentives, Administered through Film & Print Division.	61
C7E	Approve Placement of (33) Banners for White Party 2001, November 13 - 28, 2001.	71
C7F	Approve Placement of (39) Banners for Art Basel Miami Beach, Nov. 29 - Dec. 18, 2001	79
C7G	Execute (4) Lease Agmts. w/ Various Corporations, Use of Byron Carlyle Theater Property.	87
C7H	Approve Amendments, Amended/Restated Rules & Regs. for Beachfront Concessions.	131/SM
C7I	Establish 1-Month Period from Sept. 15 - Oct. 15, 2001, "Hispanic Heritage Month".	135
C7J	Accept Recomm./Enter into Negotiations w/ Idea Integration, Handheld Inspections System.	137
C7K	Forgive Principal Payments on Loan from CMB, FY 2001/02 for Ziff Jewish Museum.	143
C7L	Submit Grant Application, Beautification of Alton Road.	147

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Prepared by City Clerk's Office

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C7M	Submit Grant Application, Renovate Playground Area/Restroom Facility at Flamingo Park.	167
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C7Q	Declare Parking Emergency, Auto Show/N'SYNC Event/Art Miami & NMMA Boat Show.	251
C7R	Waive Competitive Bidding, Issue PO for (2) Green Machines 414RS Sweepers.	259
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C7T	Appropriate GO Bond Funds, Supply/Delivery of Painted Steel Trash Receptacles/Benches.	287
C7U	Execute Agmt, Provide SHIP Program Funds for City's Local Housing Assistance Plan.	A
R5A	10:35 a.m. 2nd Rdg , Amend No. 789, Classified Employees Salary Ordinance (AFSCME).	298
R5B	10:40 a.m. 2nd Rdg , Amend Code, "Agencies, Boards & Committees" (G.O. Bond Oversight).	310
R5C	10:45 a.m. 2nd Rdg , Amend Code, Revision to the Lot Split Process. 5/7	314
R5D	10:50 a.m. 1st Rdg , Amend Code, Art in Public Places Selections.	326
R5E	10:55 a.m. 2nd Rdg , Amend Code, Revisions to the Sign Regulations. 5/7	336
R5F	11:30 a.m. 2nd Rdg , Amend Code, "Display of Signs/Ads on Parked Vehicles Prohibited". 5/7	346
R5G	5:01 p.m. 1st & Only Rdg , Amendment to the Official Zoning Map.	354
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R6C	Report: Land Use & Development Committee Meeting of October 8, 2001.	444
R6D	Verbal Report: Finance & Citywide Projects Committee Meeting of October 10, 2001.	446
R7A	10:30 a.m. Public Hrg. , Approve Proposed Uses of Law Enforcement Block Grant Funds.	448
R7B	11:45 a.m. Public Hrg. , Waive Devlp't Regulations, Informational Sign on 17 th Street Garage.	452
R7C	11:00 a.m. Execute Agmt, Management/Operation of Beachfront Concessions.	458
R7D	11:00 a.m. Waive Bid/Execute Agmt, Mgmt of Food/Bev. Concession 10 th St. Auditorium. 5/7	550
R7E	2:15 p.m. Approve City's Year 2002 State Legislative Priorities.	556
R7F	2:15 p.m. Approve City's List of Emergency Legislative Priorities for 2001.	560
R7G	4:30 p.m. Enter into Agmt w/ Adshel, Place Bus Shelters/Street Furniture on Public R-O-W.	568
R7H	Approve Additional Air Condition Work, Bass Museum Expansion/Renovation Project.	614
R7I	Award Contract, North Shore Park & Youth Center Project.	626/ SM
R7J	Award Contract, Renovate Bayshore Golf Course & Chase Ave/Alton Rd. Landscape.	628/ SM
R7K	3:30 p.m. Accept Preliminary Proposed Master Plan For The 17 th Street Site.	630/ SM
R7L	2:00 p.m. Adjust City Manager's Salary Accordingly w/ his Annual Evaluation.	676/ SM
R7M	Adopt 1 st Amendment to FY 2000/01 General Fund Budget.	716
R7N	Joint , Authorize City Manager, Sign All Contracts/Agmts./PO's, etc. from 10/17-11/28/01.	722
R7O	4:45 p.m. (3) Resolutions re: Emergency Legislation Regarding Economic Revitalization.	730
R7P	Negotiate Terms of Settlement Agreement Between Gazit (Meridian) Inc. & CMB.	742
R9A	Board and Committee Appointments.	746
R9A1	Appoint Heidi Siegel to the Design Review Board. (Liebman)	794
R9A2	Reappoint Steve Chaykin & Betty Gutierrez to the Housing Authority. (Kasdin)	800
R9B1	1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.	802
R9B2	5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.	802
R9C	5:01 p.m. Disc. Alaska Parcel. (Liebman)	804
R9D	Disc. Mitigate Downturn in Tourism/Implement "Tourist Friendly" Parking Changes. (Smith)	832
R9E	5:15 p.m. Disc. Undergrounding of Utilities. (Liebman)	836
R9F	Disc. Ord. re: Amend Code, "Continuing Application for 2-Yrs After City Service". (Garcia)	854

AfterAction	October 17, 2001	City of Miami Beach	
R9G	Disc. Advertising on Pay Telephones. (Garcia)		858
R9H	Disc. Ord. re: Procedure for Resolving Protested Bids/Proposals & Proposed Awards. (Smith)		862
R9I	4:00 p.m. Disc. Espanola Way Sidewalk Café, Parking & Road Impact Fees. (Liebman)		870
R9J	3:00 p.m. Disc. Ord. re: Amend Code, "Historic Property – Ad Valorem Tax Benefits". (Liebman)		872
R9K	9:00 a.m. Disc. Banana Republic's Donation, Restore Collins Park's Rotunda. (Liebman)		880
R9L	Disc. Status Report on the Carillon Project. (Smith)		882
R9M	3:45 p.m. Disc. Mr. Molko's Letter re: Extending Oper. of 1458 Ocean Dr.-Parking Lot. (Kasdin)		884
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REPORTS AND INFORMATIONAL ITEMS

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C	Status Report on Fire Station No. 2.	916
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E	Status Report on Collins Park Cultural Center.	920
F	Report on All City Contracts for Renewal/Extension Exceeding \$25,000.	930
G	Public Hearings Before the Planning Board for October 30, 2001.	932
H	W -Status Report on 72 nd Street Site Development Concept.	954

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A	Report of Itemized Revenues/Expenditures of RDA for August, 2001.	1
2B	Monthly Report on Parking Operations, Anchor Shops & Parking for August, 2001.	3
3A	Ratify Omission of Work, South Pointe Streetscape Improvements – Phase I.	13
3B	Appropriate Revenue, Pay 2001 Ad Valorem Property Taxes on Anchor Shops/Parking.	17
3C	Appropriate Funds, Pay Ad Valorem Taxes for 1994-1996, 1 Washington Ave. Property.	21
3D	Joint , Authorize City Manager, Sign All Contracts/Agmts./PO's, etc. from 10/17-11/28/01.	27
3E	Amend Reso., Authorize Parking at No Cost 1 st Hour at 16 th Street Garage (10/18-12/01).	31

Call to Order - 9:38:35 a.m.

Inspirational Message given by Father Albert from St. Patrick's Catholic Church

Pledge of Allegiance led by Chief DeLucca

PA - Presentations and Awards

PA1 Certificate Of Appreciation To Be Presented To Fernando Blanco, For Volunteer Work Of Repairing The Gate At The Normandy Shores Security District Which Saved The City And Residents A Considerable Sum Of Money.

(Public Works)

(Deferred From September 20, 2001)

ACTION: Certificate of Appreciation presented.

PA2 Certificates Of Appreciation To Be Presented To The Following Companies: Scholastic, Inc., Sony Music Entertainment, Inc. And PowerUp, For Helping The Miami Beach Police Athletic League Assist The Youth Of Our Community.

(Requested By Mayor Neisen Kasdin)
(Deferred From September 20, 2001)

ACTION: Certificates of Appreciation presented.

PA3 Certificate Of Appreciation To Be Presented To Major Charles Press, For Graduating From The FBI National Academy.

(Requested By Mayor Neisen Kasdin)
(Deferred From September 20, 2001)

ACTION: Certificate of Appreciation presented.

9:52:55 am.

PA4 Certificate Of Appreciation To Be Presented To Maria Cruz, For 33 Years Of Dedication To The Students Of Miami Beach Senior High School And Our Community.

(Requested By Commissioner Luis R. Garcia, Jr.)
(Deferred From September 20, 2001)

ACTION: Certificate of Appreciation presented. Motion made by Commissioner Liebman; seconded by Commissioner Garcia to have the Commission send a letter to the Miami-Dade County School Board requesting that they reconsider their decision to transfer Maria Cruz; Voice vote: 7-0.

PA5 Proclamation To Be Presented Designating October As "Breast Cancer Awareness Month."
(Requested By Mayor Neisen Kasdin)

ACTION: Proclamation presented.

PA6 Certificate Of Appreciation To Be Presented To Officer Gary Aimes, For Receiving The "Going That Extra Mile Award", For Helping A Tourist Who Had Run Out Of Money And Could Not Get An International Flight, Pay For A Room From His Personal Funds.

(Police Department)

ACTION: Deferred. Lilia Cardillo to place on the November 28 Agenda.

PA7 Certificates Of Appreciation To Be Presented To The Following Police Retirees: Richard Barreto, Alfredo Boza, Ernest Febbraio, William Godfrey, Steven Jones, Ellen Knight, Scott Lowe, Pete Matthews, Douglass Reid, Alan Seres, Gerard Tollefsen, Dennis Ward, Joseph Weber, Bernard Winer And Robert Williams, In Recognition Of Years Of Dedicated Service To The City Of Miami Beach.

(Requested By Commissioner Luis R. Garcia, Jr. & Police Department)

ACTION: Certificates of Appreciation presented.

PA8 Proclamation To Be Presented For World Population Awareness Week.
(Requested By Mayor Neisen Kasdin)

ACTION: Withdrawn.

AfterAction
9:43:30 am.

October 17, 2001

City of Miami Beach

PA9 Proclamation To Be Presented To Father Albert Of St. Patrick's Church & Radio Peace, Dr. Sol Lichter (Educator), And George Mursuli Of SAVE Organization, For Their Contributions In Honor Of "Hispanic Heritage Month".

(Requested By Vice-Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

PA10 Award Presentation To Honor Mayor Neisen Kasdin, In Recognition For His Service As Mayor Of Miami Beach And His Support Of The Miami Beach Hispanic Community Center.

(Miami Beach Hispanic Community Center)

ACTION: Award presented.

PA11 Presentation Regarding The Miami Modern ("MiMO") Project.)

(Requested By Commissioner Nancy Liebman)

ACTION: Presentation made.

PA12 Proclamation/South Florida Urban Search & Rescue Task Force Day.

ACTION: Proclamations presented to Firefighter II Paul Sumner, Firefighter I, Paul Reuss, and Medical Director Dr. Harry Heinitsh (not present).

10:29:47 a.m.

PA13 Proclamation to be presented to Michael Aller proclaiming October 17, 2001 as Mr. Miami Beach-Michael Aller Day.

(Requested By Mayor Kasdin)

ACTION: Proclamation presented.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Bower to add item C7U as an emergency item; seconded by Commissioner Garcia; Voice vote: 7-0.

ACTION: Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Liebman; Voice vote: 7-0.

Jorge M. Gonzalez, City Manager, explained the new security measures taken at City Hall.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract To Trintec Construction, Inc., In The Amount Of \$47,990, Pursuant To Bid No. 46-00/01 For The Pressure Clean, Plastering, Major Stucco Repair And Painting Of Fleet Management Buildings 1 And 2.

(Public Works)

ACTION: Withdrawn.

C7 - Resolutions**10:34:40 a.m.**

- C7A A Resolution Approving Amendment No. 2, In The Amount Of \$117,000, To The Professional Services Agreement For Architectural And Engineering Services With STA Architectural Group, For The Restoration Of The Historic Building And An Addition To Fire Station No. 2, For The Addition Of An Emergency Operations Center To The Fire Station And The Redesign Of The Public Works Yard Entrance, And Appropriating Funds, In The Amount Of \$117,000, From The General Fund Undesignated Fund Balance.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24624 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Garcia stated that he was on the Selection Committee back in 1995 and is very happy this is finally going to happen and wanted to recognize the Administration.

- C7B A Resolution Pursuant To Request For Qualifications (RFQ) No. 10-00/01, Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Firm Of The Corradino Group, Inc., In The Amount Of \$339,689, Comprised Of: \$117,293 For The Planning Services Fee, \$115,624 For The Design Services Fee, \$8,512 For Bidding And Award Services Fee, \$74,960 To Cover The Traffic Study Fee, And \$23,300 For The Cost Of Reimbursable Expenses Such As Survey, Printing, And Testing For The North Shore Neighborhood Streetscape Project; And Appropriating Funds For The Project In The Total Amount Of \$400,885 As Follows: \$339,689 Comprised Of \$179,516 From The Series 2000 General Obligation Bond Fund, \$116,983 From The Water And Sewer Bond And \$43,190 From The Quality Of Life Year 3 Fund To Cover The Planning And Design Fee And Reimbursable Expenses; And An Additional \$61,196 From The Water And Sewer Bond To Cover The Capital Improvement Projects Office (CIP) Project Management Fee.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24625 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

C7C A Resolution Authorizing The Mayor And City Clerk To Approve For The City Of Miami Beach To Video Tape And Air On Channel 20 The Mayoral And Commission Candidate Presentations For The November 6, 2001 Election.

(City Manager's Office)

ACTION: Resolution No. 2001-24626 adopted. R. Parcher to handle.

C7D A Resolution Approving And Adopting A Program Of Production Incentives, Attached As Exhibit "A" To This Resolution; Said Program To Be Administered Through The Film & Print Division Of The City's Office Of Arts Culture & Entertainment.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24627 adopted. James Quinlan to handle.

C7E A Resolution Approving And Authorizing The Placement Of Thirty-Three (33) Banners For The White Party 2001, To Be Held November 17, 2001 To November 26, 2001, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; Washington Avenue, Between 7th Street And 16th Street; Collins Avenue, Between 15th Street And 18th Street; And 5th Street, Between Alton Road And Ocean Drive; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than November 13, 2001, And Removed By November 28, 2001.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24628 adopted. James Quinlan to handle.

C7F A Resolution Approving And Authorizing The Placement Of Thirty-Nine (39) Banners For Art Basel Miami Beach, To Be Held December 12, 2001 To December 16, 2001, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; Washington Avenue, Between Dade Boulevard And 13th Street; Collins Avenue, Between 15th Street And 17th Street; Convention Center Drive, Between Dade Boulevard And 17th Street; And Arthur Godfrey (41st Street), Between Alton Road And Pinetree Lane; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than November 29, 2001, And Removed By December 18, 2001.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24629 adopted. James Quinlan to handle.

C7G A Resolution Authorizing The Mayor And City Clerk To Execute Lease Agreements Between The City Of Miami Beach And 1) Florida Dance Association, Inc. For The Use Of Approximately 440 Square Feet Of Office Space; 2) North Beach Development Corporation Of Miami Beach, Inc., For The Use Of Approximately 660 Square Feet Of Office Space; 3) Arts And Business Council Of Miami, Inc. For The Use Of Approximately 97 Square Feet Of Office Space, And 4) Children's Cultural Coalition Of Dade County, Inc. For The Use Of Approximately 97 Square Feet Of Office Space; All At The Byron Carlyle Theater Property, Located At 500 71st Street, Miami Beach, Florida, Each Lease Agreement For A Term Of 364 Days, Commencing On November 1, 2001, And Ending On October 30, 2002.
(Economic Development)

ACTION: Resolution No. 2001-24630 adopted. Christina Cuervo to handle.

City Clerk's Notes: Two Committees: Negotiating Committee and the Program and Uses Committee (PAUC). The PAUC was chaired by Commissioner Liebman and was informally transformed into the Arts in North Beach Initiative.

C7H A Resolution Approving And Adopting Amendments To The Amended And Restated Rules And Regulations For Beachfront Concession Operations That Include Changes To The Watersport Provisions, Establishment Of Beach Chair And Equipment Deployment Provisions, And Approving Design Guidelines For Concession Facilities And Equipment.
(Economic Development)
(Resolution To Be Submitted)

ACTION: Item deferred. Christina Cuervo to handle.

10:34:55 a.m.

C7I A Resolution Establishing The One-Month Period Beginning September 15, 2001 And Ending October 15, 2001 As "Hispanic Heritage Month" In The City Of Miami Beach.
(Economic Development)

ACTION: Resolution No. 2001-24631 adopted. Christina Cuervo to handle.

Vice-Mayor Bower stated that she wanted to recognize Hispanic Heritage Month.

C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of The Proposals Received In Response To Request For Proposal (RFP) No. 44-00/01 For A Handheld Inspections System; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Idea Integration.
(Finance Department)

ACTION: Resolution No. 2001-24632 adopted. Patricia Walker and Hamid Dolikhani, Building Department to handle.

City Clerk's Note: Merger of Sierra Computer Systems, Inc and OpenData Systems, Inc. creating Accela.com. Land Management System or Permits Plus

C7K A Resolution Forgiving Principal Payments On A Loan From The City Of Miami Beach To The Sanford L. Ziff Jewish Museum, In The Amount Of \$60,000, Due During Fiscal Year 2001-2002; Provided That This Resolution Shall Not Be Construed To Waive Any Payments Due In Any Fiscal Year Other Than Fiscal Year 2001-2002, And Shall Not Be Construed To Waive Any Other Provisions Of The City's Loan To The Museum.

(Finance Department)

ACTION: Resolution No. 2001-24633 adopted. Patricia Walker to handle.

City Clerk's note: (MOSAIC, Inc.)

C7L A Resolution Authorizing The City Manager Or His Designee To Submit An Application For A Highway Beautification Grant From The Florida Department Of Transportation (FDOT), For The Beautification Of Alton Road, To Be Matched With An Amount Not To Exceed \$250,000 Of City Funding From The Approved \$92 Million General Obligation Bond Program; Further Appropriating The Grant If Approved And Accepted By The City; Authorizing The Execution Of Grant And Landscape Maintenance Memorandums Of Agreements And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application; And Authorizing The Appropriation Of An Amount Not To Exceed \$35,000 From The General Obligation (GO) Bond Series 2000, For Landscaping Construction Drawings For Said Project.

(Grants Management)

ACTION: Resolution No. 2001-24634 adopted. Patricia Walker to appropriate the funds. Judy Hoanshelt and Joseph Johnson to handle. R. Parcher to transmit the resolution to the State of Florida Department of Transportation.

C7M A Resolution Retroactively Authorizing The City Manager Or His Designee To Submit An Application For Grant Funds From The Florida Department Of Environmental Protection, Division Of Recreation And Parks, For The Purpose Of Renovating The Playground Area And Constructing A New Restroom Facility At Flamingo Park, In The Amount Of \$100,000, To Be Matched With \$100,000 Of City Funding, As Recommended In The Approved \$92 Million General Obligation Bond Program, Fund 374; Further Appropriating The Grant, If Approved And Accepted By The City, In The Work Order For The Flamingo Park General Obligation Bond Program Renovation Project; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2001-24635 adopted. Patricia Walker to appropriate funds. Kevin Smith and Judy Hoanshelt to handle.

C7N A Resolution Authorizing The Administration To Proceed With The Issuance Of Request For Proposals (RFP) No. 56-00/01, To Conduct Pre-Employment Background Investigations For New Hires And Current Employees Who Are Transferring Or Promoting To New Classifications To Determine Their Eligibility.

(Human Resources)

ACTION: Resolution No. 2001-24636 adopted. Gus Lopez to issue the RFP.

- C7O A Resolution Approving And Authorizing An Appropriation In The Amount Of \$22,000 From Parking Revenue Bond Fund 481, To Work Order 2113 For The Completion Of The Architectural And Engineering Services (Phase IV) For The Renovation Of The 12th Street Municipal Parking Garage; Further Terminating The Existing Architectural And Engineering Services Agreement With Gambach - Sklar Architects, Inc. And Re-Assigning Said Agreement To Gambach Architects, Inc.
(Parking Department)

ACTION: Resolution No. 2001-24637 adopted. Patricia Walker to appropriate the funds. Saul Frances to handle.

- C7P A Resolution Amending Resolution No. 99-23225, Expanding Restricted Parking Areas For Residential Permit Parking Zone One (South Pointe).
(Parking Department)

ACTION: Resolution No. 2001-24638 adopted. Saul Frances to handle.

- C7Q A Resolution Declaring A Citywide Parking Emergency, On The Following Specified Dates For The Following Respective Events; October 27-28, 2001 And November 3-4, 2001 For The South Florida Auto Show; November 11, 2001 For The N'SYNC Celebrity Event; December 15-16, 2001 For Art Basel; December 31, 2001 For New Year's Eve Event; January 5-6, 2002 For Art Miami; February 2-3, 2002 For Graphics Of The Americas; February 15-17, 2002 For The NMMA Miami International Boat Show, Allowing For The Use Of Specified Vacant Surface Lots Citywide, Due To Extraordinary Circumstances Brought Upon By Certain Special Events Creating Extraordinary Demand For Parking.
(Parking Department)

ACTION: Resolution No. 2001-24639 adopted. Saul Frances to handle.

- C7R A Resolution Authorizing By A 5/7ths Vote, The Waiver Of Formal Competitive Bidding And Authorizing The Administration To Issue A Purchase Order To Clark Waste Systems Inc., In The Amount Of \$53,560 For Two (2) Green Machines Model 414RS Sweepers.
(Public Works)

ACTION: Resolution No. 2001-24640 adopted. Gus Lopez to issue Purchase Order. Fred Beckmann to handle.

- C7S A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement For Minor Construction Services, And Authorizing The Administration To Enter Into Negotiation And Execute An Agreement With Carr Smith Corradino, Inc., In An Amount Not To Exceed \$56,000; The Agreement Being For The Preparation Of Movement Of Traffic Plans And Implementation Of Intersection Improvements On 41st Street At Indian Creek Drive (The Project), Utilizing Funds Previously Appropriated For The Purpose By Resolution No. 2001-24595, Dated September 20, 2001; Carr Smith Corradino Being On The City's Rotational List Of Consultants; And The Waiver Being In The Best Interest Of The City, By Ensuring That The Project Construction Services Are Completed Prior To The February 2002 Miami Beach Boat Show.
(Public Works)

ACTION: Resolution No. 2001-24641 Adopted. Fred Beckmann to handle.

- C7T A Resolution Appropriating \$137,400 From The General Obligation (GO) Bond Neighborhood Fund No. 373, Use \$17,036 Previously Appropriated From GO Bond Parks Fund No. 374 and Parking Fund No. 480, And To Award A Contract To LR Alliance Manufacturing, Inc. In The Amount Of \$154,436, Pursuant To Bid No. 42-00/01 For The Supply And Delivery Of Painted Steel Trash Receptacles And Benches.
(Public Works)

ACTION: Resolution No. 2001-24642 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

City Clerk's Note: Memorandum from Bruce Lamberto, Contract Manager, to Brad Judd, Property Management Director, dated September 13, 2001, RE: Performance Report on Recycled Plastic Benches and Trash Receptacles.

ADDENDUM:

C7U A Resolution Authorizing The Mayor And City Clerk To Execute The Attached State Housing Initiatives Partnership (SHIP) Program Agreement Between The City And Miami Beach Community Development Corporation, Which Provides SHIP Program Funds In The Amount Of \$641,005 From Fiscal Year 2000/2001 To Continue A Rehabilitation Component For The Scattered-Site Home Ownership Program Providing Rehabilitation, Down Payment Assistance, Closing Cost Assistance And Home Ownership Counseling, For Units Purchased By Eligible Home Buyers Under The Rules Of The SHIP Program And The City's Local Housing Assistance Plan; Said Approval And Execution Of Agreement Contingent Upon Review And Recommendation From The Loan Review Committee At Its October 19th Meeting.
(Neighborhood Services)

ACTION: Resolution No. 2001-24643 adopted. Patricia Walker to appropriate the funds. Vivian Guzman to handle.

End of Consent Agenda

R5 – Ordinances**10:52:59 am.**

- R5A An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance, For The Group I Classification, Being The Classifications Covered By The Miami Beach Municipal Employees, AFSCME Local No. 1554, In Accordance With The Negotiated Agreement; Retroactively Increasing On The First Pay Period Starting April 23, 2001 The Minimum Of The Ranges By Approximately 14.6% And The Maximum Of The Ranges By 4% To Reflect The Current Classification And Pay System; Increasing The Salary Of Each Employee, Retroactively By 4% Effective With The First Pay Period Starting On Or Before April 23, 2001; Bargaining Unit Employees Shall Receive An Across The Board Increase Of Four Percent (4%) With The First Pay Period Starting On Or Before April 22, 2002, And A Four Percent (4%) Increase To The Minimum And The Maximum Of The Ranges; And An Across The Board Increase Of Four Percent (4%) With The First Pay Period Starting On Or Before April 30, 2003, And A Four Percent (4%) Increase To The Minimum And The Maximum Of The Ranges; Providing For A Repealer, Severability, Codification And Effective Dates. **10:35 A.M. Second Reading, Public Hearing.**
(Human Resources)
(First Reading On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3323 adopted. Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly to handle.

Handouts:

1. Notice of Ad in Miami Herald

10:56:09 am

- R5B An Ordinance Amending Chapter 2, Article III, Of The Miami Beach City Code, Entitled "Agencies, Boards And Committees"; Amending Division 28, Section 2-190.127 Therein, Which Established The Membership And Purpose Of The General Obligation Bond Oversight Committee; Said Amendment Changing The Member From The Community Development Advisory Committee And The Member From The City's Historic Preservation Board, Respectively, From Non-Voting Members, To Voting Members Of The Committee; Providing For Severability; Codification; Repealer; And An Effective Date. **10:40 A.M. Second Reading, Public Hearing.**
(City Attorney's Office)
(First Reading On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3324 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to handle.

Handouts:

1. Notice of Ad in Miami Herald

10:57:30 am.**R5C Revision To The Lot Split Process**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Amending Chapter 118, "Administrative And Review Procedures," Article VII. "Division Of Land/Lot Split," By Amending Section 118-321 "Procedure," By Eliminating The Review By The Planning Director And Requiring All Request For Division Of Land To Be Reviewed By The Planning Board; By Amending Section 118-323 "Appeal Procedures," By Eliminating The Appeal Of The Decision Of The Planning Director To The Planning Board, And By Clarifying Revocation Procedures; By Amending "Appendix A, Fee Schedule - Article VII, Division Of Land/Lot Split" By Adjusting The Fees Pertinent To These Procedures; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3325 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:04:23 am.

R5D An Ordinance Amending Various Sections Of The City Code, Including The Land Development Regulations, Concerning Art In Public Places, And Involvement In The Selection Of Public Art By The Design Review And The Historic Preservation Boards; Amending Chapter 82, Article VII, Art In Public Places, Division 1, Section 82-537, Definitions, To Add Up To Two Members Of The Design Review Or Historic Preservation Boards To The Professional Advisory Committee, Depending Upon The Location Of The Project And The Respective Board's Jurisdiction; Amending Section 82-612 To Provide That In The Absence Of A Professional Advisory Committee, That The Designated Design Review Or Historic Preservation Board Members Shall Advise The Art In Public Places Committee, And Providing Procedures For Art Project Review By The Design Review Board Or Historic Preservation Board; Amending Sections 118-71(2) And 118-102(3) To Provide That The Jurisdiction Of The Design Review And Historic Preservation Boards Shall Be Advisory To The City Commission On The Selection Of Works Of Art, Except That Such Boards May Impose Binding Criteria In Certain Matters As Specified; Providing For Cross-Referencing Of The Provisions In Chapter 82; Providing For Repealer, Codification, Severability, And An Effective Date. **10:50 A.M. First Reading, Public Hearing.**

(Cultural Affairs & Tourism Development)

ACTION: Public Hearing held. Ordinance approved on first reading. Motion made by Commissioner Liebman; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Second Public Hearing scheduled for November 28, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. James Quinlan to handle.

Handouts:

1. Notice of Ad in Miami Herald

R5E Revisions To The Sign Regulations
An Ordinance Amending Chapter 138, "Signs" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 138-6, "Signs Located On The Underside Of Awnings Or Canopies," To Clarify The Requirements For Awning Signs; Amending Sec. 138-10, "Signs For Legal Nonconforming Uses And Legal Nonconforming Signs" To Include Provisions For Restoration And Replacement Of Historic Signs; Amending Sec. 138-72, "Pennants, Banners, Streamers, Flags And Flagpoles," To Include Provisions To Allow Replacement Of Historic Flags; Amending Sec. 138-139, "Major Cultural Institutions Temporary Banner" To Include Provisions For All Cultural Institutions; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:55 A.M. Second Reading, Public Hearing**

(Planning Department)
(First Reading, Public Hearing On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3326 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Vivian Guzman to handle.

Vice-Mayor Bower requested that the Administration inform the businesses in the North Beach area of the signage laws. She requested written information, such a brochures, be provided to the businesses.
Vivian Guzman to handle.

Handouts:

1. Notice of Ad in Miami Herald

12:52:35 am.

R5F An Ordinance Amending Chapter 138 Of The Miami Beach City Code Entitled "Signs" By Amending Section 138-74 Thereof Entitled "Display Of Signs Or Advertisement On Parked Vehicles Prohibited" By Expanding The Prohibition Of Advertisement On Vehicles To Prohibit Advertising Vehicles Operating In Or Upon The Following Streets And Highways Under The City's Jurisdiction: All Of Ocean Drive And The Residential Area Bounded By And Including 6th Street On The South, North Lincoln Lane On The North, Lenox Avenue On The West, And Drexel Avenue And Pennsylvania Avenue On The East; Providing For Exemptions; Providing For Penalties; And Providing For Codification, Repealer, Severability, And An Effective Date. **11:30 A.M. Second Reading, Public Hearing.**

(Planning Department)
(First Reading On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3327 adopted. Motion made by Commissioner Liebman ; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Chief DeLucca to handle.

City Clerk's Note: Roaming Billboards Ordinance

Handouts:

1. Notice of Ad in Miami Herald

5:53:39 p.m. Part I**10:19:10 p.m. Part II****R5G Amendment To The Official Zoning Map**

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Property Known As The "Alaska" Parcel, A Parcel Of Unplatted Land Of Approximately 3.4 Acres, Located Northwest Of South Pointe Park, From The Current MR, Marine Recreational, To The Proposed Zoning Classification CPS-3, Commercial Intensive Mixed Use Thereby Increasing The Floor Area Ratio (FAR) From 0.25 As Permitted In The MR Zoning District, To 2.50 Far As Permitted In C-PS3 Zoning District; Providing For Repealer, Severability, Inclusion And An Effective Date.

5:01 P.M. First And Only Reading, Public Hearing

(Planning Department)

ACTION: Public Hearing held together for items R5G and R5H. Motion made by Commissioner Smith to deny the request and reject the application for the following reasons 1) the application is not consistent with the Comprehensive Plan, 2) the application does not serve the public interest, 3) the property is viable for use under the existing zoning, 4) there is a rational basis under Planning and Zoning principles to maintain an MR zoning in the subject property, 5) the Planning Department analysis on the required criteria is supported by substantial competent evidence and it should be upheld and 6) the maintenance of existing zoning does not constitute reverse spot zoning; seconded by Commissioner Dermer; Ballot vote: 7-0.

Speakers:**Mr. Cliff Schulman, Esq., Greenberg Traurig****Mr. Jorge Gomez, Planning Director****Mr. Jack Luft****Mr. John Shubin, Law firm of Shubin & Bass****Mr. Henry Iler****Mr. Ira Elegant****Mr. Gary Held****Mr. Jud Kurlancheek**

City Clerk's note: The Administration recommendation is to deny the request. On September 6, 2001, the Planning Board denied the request.

Handouts:

1. Notice of Ad in Miami Herald
2. David Kelsey's signed petition
3. Gary Held Legal Opinion issued by the City Attorney's Office regarding the Alaska Parcel
4. A bound book presented by Mr. Cliff Schulman titled "Application for small scale amendment to Future Land Use Map and Rezoning of the parcel known as the Alaska Parcel". Exhibits in support of the Application
Hearing date: October 17, 2001
5. Speakers List
6. Donald Worth, document titled "Portofino DRI- Testimony" dated May 6, 1998
7. Experience and Qualifications of Mr. Henry B. Iler, AICP
8. Letter from Mr. Frank Del Vecchio, dated November 17, 1999, to City Clerk, City of Miami Beach, RE: Application for Appointment to the General Obligation Bond Oversight Committee as one of the South Beach area resident appointments

5:53:39 p.m.**R5H Amendment to the Future Land Use Map**

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Property Known As The "Alaska" Parcel, A Parcel Of Unplatted Land

Of Approximately 3.4 Acres, Located Northwest Of South Pointe Park, From The Current MR, Marine Recreational, To The Proposed Future Land Use Category CPS-3, Commercial Intensive Mixed Use; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies; Providing For Repealer, Severability, Inclusion In The Comprehensive Plan And An Effective Date. **5:01 P.M. First And Only Reading, Public Hearing.**

(Planning Department)

ACTION: Public Hearing held together for items R5G and R5H. Motion made by Commissioner Smith to deny the request and reject the application for the following reasons 1) the application is not consistent with the Comprehensive Plan, 2) the application does not serve the public interest, 3) the property is viable for use under the existing Comprehensive Plan, 4) there is a rational basis under the Comprehensive Plan to maintain an MR designation on the subject property, 5) the Planning Department analysis on the required criteria is supported by substantial competent evidence and it should be upheld and 6) the maintenance of existing zoning does not constitute reverse spot zoning; seconded by Vice-Mayor Bower; Ballot vote: 7-0.

Speakers:

Mr. Cliff Schulman, Esq., Greenberg Traurig

Mr. Jorge Gomez, Planning Director

Mr. Jack Luft

Mr. John Shubin, Law firm of Shubin & Bass

Mr. Henry Iler

Mr. Ira Elegant

Mr. Gary Held

Mr. Jud Kurlancheek

City Clerk's note: The Administration recommendation is to deny the request. On September 6, 2001, the Planning Board denied the request.

Handouts:

1. Notice of Ad in Miami Herald
2. See handouts section of item R5G

R5I Revisions To The I-1 And CD-2 Permitted Uses.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Amending Chapter 142, "Zoning Districts And Regulations," By Amending Division 11 "I-1 Light Industrial District," By Amending Section 142-481 "Purpose," By Including Offices; Section 142-482, By Amending Section 142-484(2), "Accessory Uses," By Eliminating Accessory Outdoor Bar Counters As An Accessory Use In The I-1 District; By Amending "Section 142-485 "Prohibited Uses," To Include Bars, Dance Halls Or Entertainment Establishments Not Also Operating As Restaurants As Prohibited Uses In The I-1 District; By Amending Division 5. "CD-2 Commercial, Medium Intensity District," Section 142-302 "Main Permitted Uses" By Creating An Overlay District In The Purdy Avenue/Dade Boulevard Area Prohibiting Bars, Dance Halls Or Entertainment Establishments Not Also Operating As Restaurants; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **5:25 P.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On September 20, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3328 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower; Ballot vote: 5-0; Absent: Commissioners Liebman and Smith. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handouts:

1. Notice of Ad in Miami Herald

8:47:27 p.m.

R5J An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave Contingent Upon Collective Bargaining And Approval By The Bargaining Units Prior To Implementation For Employees In Classifications Governed By Union Contracts To The Extent Such Approval Is Necessary; Providing For A Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 4-0; Absent Commissioners Cruz, Garcia and Liebman. Second Reading and Public Hearing scheduled for November 28, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. T.C. Adderly to handle.

8:49:43 p.m.

R5K An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 4-0; Absent Commissioners Cruz, Garcia and Liebman. Second Reading and Public Hearing scheduled for November 28, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. T.C. Adderly to handle.

8:50:36 p.m.

R5L An Ordinance Amending Chapter 2 Entitled "Administration;" By Amending Article III Entitled "Agencies, Boards And Committees;" By Amending Division 7 Entitled "Production Industry Council", By Amending The Composition Of The Council By Deleting The Representatives From The Miami-Dade Office Of Film, Television And Print And The City's Film, Television And Print Office As Non-Voting, Ex-Officio Members; Providing For Repealer; Providing For Severability; Providing For Codification; And Providing For

Effective Date. **First Reading**

(Economic Development)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 4-0; Absent Commissioners Cruz, Garcia and Liebman. Second Reading and Public Hearing scheduled for November 28, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. James Quinlan and Dennis Leyva to handle.

3:43:29 p.m.

R5M An Ordinance Establishing A Temporary Moratorium On The Issuance Of Demolition Permits For Single Family Homes Constructed Prior To 1950 And Located Outside A Designated Historic District, Except Following The Issuance Of A Certificate Of Appropriateness; Providing Interim Procedures For The Review And Approval By The Historic Preservation Board Or Staff, Where Appropriate, Of Applications For Certificates Of Appropriateness For The Demolition Of Such Homes; Providing That The Moratorium Shall Automatically Dissolve Upon The Earlier Of April 27, 2002, Or Upon The Adoption Of Amendments To The Miami Beach City Code Relating To The Demolition Of Single Family Homes; Providing For Severability And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Liebman with the idea that the planning Department will continue to look at older homes; seconded by Vice-Mayor Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for November 28, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

Commissioner Garcia asked if there is any type of legislation that could be enacted requiring that if you demolish a house, the replacement house would not be larger than the house being replaced.

Murray Dubbin, City Attorney, responded that it could be done and other cities have very strict regulation.as to construction.

Handout:

1. Letter from Gordon B. Loader, Executive Committee, Orchard Park Neighborhood Association, to Mayor and City Commission, dated October 17, 2001
2. Color photos of homes prepared by the City of Miami Beach Planning Department dated October 17, 2001
3. 19 petitions in support of the proposed moratorium/ordinance concerning the demolition of single family homes
4. Speakers list

R5N An Ordinance Relating To Single Utility Billing And Waste Impact Fees; Amending Section 90-133 Of The City Code By Excluding From The Definitions Of "Commercial Business Account" And "Commercial Units" Multi Family Residential Buildings Fronting On A Private Street And Whose Waste Removal Services Are Provided By Private Contract; Providing For Inclusion In The Code Of The City Of Miami Beach Florida; Repealer; Severability; And An Effective Date. **First Reading.**
(Requested By Commissioner Nancy Liebman)

ACTION: Not reached.

9:30:37 p.m.

R5O Emergency Legislation Regarding Economic Revitalization:

- 1) An Emergency Ordinance By 5/7ths Vote Declaring A Public Emergency That Negatively Affects Property Of The Tourism Industry Of The City And Citizens Of Miami Beach As A Whole, Amending Miami Beach City Code Chapter 102 Entitled "Taxation", Article V Thereof Entitled "Occupational License Tax", Creating Section 102-386 Entitled "Time-Certain Deferral Of Unpaid Fees Due; Abatement Of Late Payment Fees And Delinquency Penalties" Providing For A Deferral Of Payment For Unpaid FY 2002 Occupational License Fees For A Period Of 60 Days From October 1, 2001 To December 1, 2001 And Abating Any Late Payment Fees And Delinquency Penalties In Connection Therewith; Further Authorizing The City Manager To Extend Said Deferral Periods/Abatement By An Additional Period Not To Exceed 90 Days From December 1, 2001 If Deemed Necessary By The City Manager, Without Any Further Action By The Mayor And City Commission; Providing Repealer, Severability, Codification, Effective Date, And Sunset Provision.

ACTION: Emergency Ordinance No. 2001-3329 adopted and effective immediately. Motion made by Commissioner Dermer; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to publish ordinance in full within ten (10) days Pursuant to City Charter 2.05. Patricia Walker to handle.

Commissioner Dermer instructed Administration to inform the public immediately. **Nannette Rodriguez to handle.**

- 2) An Emergency Ordinance By 5/7ths Vote Declaring A Public Emergency That Negatively Affects Property Of The Tourism Of The City And Citizens Of Miami Beach As A Whole, Amending Miami Beach City Code Chapter 82 Entitled "Public Property" Article IV Thereof Entitled "Uses In Public Rights Of Way", Division 5 Thereof Entitled "Sidewalk Cafes", Creating Section 82-387 Entitled "Time-Certain Deferral Of Unpaid Fees Due; Abatement Of Late Payment Fees And Delinquency Penalties" Providing For A Deferral Of Payment For Unpaid FY 2002 Sidewalk Cafe Fees For A Period Of 60 Days From October 1, 2001 To December 1, 2001 And Abating Any Late Payment Fees And Delinquency Penalties In Connection Therewith; Further Authorizing The City Manager To Extend Said Deferral/ Abatement Periods By An Additional Period Not To Exceed 90 Days From December 1, 2001, If Deemed Necessary By The City Manager, Without Any Further Action Of The Mayor And City Commission; Providing Repealer, Severability, Codification, Effective Date, And Sunset Provision.

ACTION: Emergency Ordinance No. 2001-3330 adopted and effective immediately. Motion made by Commissioner Dermer; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to publish ordinance in full within ten (10) days Pursuant to City Charter 2.05. Patricia Walker to handle.

- 3) An Emergency Ordinance By 5/7ths Vote Declaring A Public Emergency That Negatively Affects Property Of The Tourism Industry Of The City And Citizens Of Miami Beach As A Whole, Amending Miami Beach City Code Chapter 106 Entitled "Traffic And Vehicles", Article Ii Thereof Entitled "Metered Parking", Division I Thereof Entitled "Generally", Section 106-55 Thereof, Creating Subsection "M" Entitled "Time-Certain Partial Waiver Of Parking Costs", Authorizing Parking At No Cost For The First Hour At The City's 7th Street, 17th Street, And 42nd Street Garages And Authorizing A \$1.00 Reduction Off The Flat Parking Rate At The 12th Street And

13th Street Garages For A Period Of 44 Days From October 18, 2001 To December 1, 2001; Further Authorizing The City Manager To Extend Said Cost Reduction Periods By An Additional Period Not To Exceed 90 Days From December 1, 2001 If Deemed Necessary By The City Manager, Without Any Further Action By The Mayor And City Commission; Providing Repealer, Severability, Codification, Effective Date, And Sunset Provision..**First And Only Reading.**
(Economic Development)

ACTION: Emergency Ordinance No. 2001-3331 adopted as amended and effective immediately.

Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Ballot vote: 7-0. R. Parcher to publish ordinance in full within ten (10) days Pursuant to City Charter 2.05. Patricia Walker and Saul Frances to handle.

Amendment: Motion made by Vice-Mayor Bower to discount the cost of the parking cards by 20%; seconded by Commissioner Liebman.

R6 - Commission Committee Reports

- R6A Report Of The Community Affairs Committee Meeting Of September 25, 2001: **1)** Discussion Regarding Honoring Former Mayor Mel Richards; **2)** Discussion Regarding Volume Services America Scholarship Funds; **3)** Discussion Regarding Legislation Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **4)** Discussion Regarding The Creation Of A Public Safety Committee; **5)** Discussion Regarding Honoring Regina And Bernard Firestone; **6)** Discussion Regarding Amending The City Charter To Repeal Election Or Commission Candidates By Individual Groups And Substitute With A Pool Of Candidates; **7)** Discussion Regarding Amending The City Charter To Increase The Mayoral Office Term Limits; **8)** Discussion Regarding Airing The Mayoral Debate On Local Government Access Channel 20; **9)** Discussion Regarding Allowing Reserve Officers To Be Honored Upon Retirement.

ACTION: Not reached. Lilia Cardillo to place on November 28 Consent Agenda.

- R6B Report Of The General Obligation Bond Oversight Committee Meeting Of October 8, 2001: **1)** Projects Status Reports: South Shore Community Center, Espanola Way Streetscape, And Sunset Islands I And II Street Entrance Enhancement; **2)** Recommendation To Appropriate Funds: Highway Beautification Council Grant For Alton Road Corridor Enhancement Project; And **3)** Informational Items: Star, Palm And Hibiscus Islands Community Design Workshop No. 1, And Calendar Of Scheduled Community Design Workshops.

ACTION: Not reached. Lilia Cardillo to place on the November 28 Consent Agenda.

- R6C Report Of The Land Use And Development Committee Meeting Of October 8, 2001: **1)** Discussion Regarding Pump Stations Throughout The City; **2)** Street Performers And Art Vendors Ordinance; And **3)** Discussion Regarding The Removal And/Or Relocation Of Full Canopy Trees Throughout The City.

ACTION: Not reached. Lilia Cardillo to place on the November 28 Consent Agenda.

- R6D Verbal Report Of The Finance And Citywide Projects Committee Meeting Of October 10, 2001: **1)** The Advancing Of \$50,000 To North Beach Development Corporation, From The North Beach Portion Of Quality Of Life/Resort Tax Funds For Fiscal Year 1999/2000, Which Were Previously Appropriated In Resolution 2001-24396.

ACTION: Not reached. Lilia Cardillo to place on November 28 Consent Agenda.

Handout:

1. Written Report of the meeting: Commission Memorandum (not numbered) - Meeting of the Finance & Citywide Projects Committee of October 10, 2001.

R7 - Resolutions**10:52:08 am.**

- R7A A Resolution Following A Public Hearing On The Proposed Uses Of Local Law Enforcement Block Grant Funds On October 17, 2001; Approving And Authorizing The Proposed Uses Of Said Local Law Enforcement Block Grant Funds. **10:30 A.M. Public Hearing.**
(Police Department)

ACTION: Public Hearing held. Resolution No. 2001-24644 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Chief DeLucca to handle.

Handouts:

1. Notice of Ad in Miami Herald

3:39:11 pm.

- R7B A Resolution Approving A Waiver Of Development Regulations Under Section 142-425(d) Of The City Code, Applicable To The 17th Street Garage, To Permit An Informational Sign On The Garage Identifying Its Proximity To Lincoln Road, Which Sign Would Exceed The Applicable Size Regulations, And Would Be Subject To Design Review Approval. **11:45 A.M. Public Hearing**
(Requested By Commissioner Nancy Liebman)

ACTION: Public Hearing held. Resolution No. 2001-24645 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Garcia; Voice vote: 6-0; Absent Commissioner Cruz. Jorge Gomez to handle.

Vice-Mayor Bower requested that the maintenance of the sign be worked out.

Handouts:

1. Notice of Ad in Miami Herald

11:13:51 am.

- R7C A Resolution Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And Boucher Brothers Miami Beach, LLC, For The Management And Operation Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace And North Shore Open Space Park, Miami Beach, Florida, In Accordance With Request For Proposals (RFP) No. 22-00/01; Said Agreement Having An Initial Term Of Five (5) Years, Commencing On November 5, 2001, And Expiring On November 4, 2006, With An Option To Renew For An Additional Five (5) Year Term, As Provided In The Concession Agreement.
(Economic Development)
(Deferred From September 20, 2001)

ACTION: Item heard in conjunction with Item R7D. Resolution No. 2001-24646 adopted as amended. Motion made by Commissioner Garcia to approve the contract with the amendments; seconded by Commissioner Liebman; Voice-vote: 6-1; Opposed Commissioner Dermer. Christina Cuervo and Joe Damien to handle.

Amendments: Cited by Administration

A. Site Plans (exhibits) amend dimensions as follows:

1. Buffer zones to the north and south of the lifeguard stands to increase from 70' to 100'

2.Dimension from mean high water line to easternmost edge of Concession Areas shall change from "60 feet " to "lesser of 60 feet or 5 feet west of the westernmost edge of the lifeguard stand"

B. Paragraph Number 1.4 to change to **2.4**

C. Legal language: "Nothing in this Agreement shall confer upon any person or entity, including, but not limited to sub-concessionaires, other than the parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Agreement.

Agreed to on the Floor

E. Cameras, Headphones (audio/visual), Sunglasses, T-shirts to be removed from Sundry list

F. Maintain approximately 49% of beach frontage free and clear of concession facilities, equipment, etc

G. Add two (2) additional buffer zones, 216 feet each (100+16+100) [location at City Manager's discretion]

H. Language on chair deployment vacancy rate to be changed from 33% to 25%

I. Chair deployment formula to be revisited in one year

J. Final determination on cooking and heating in Ocean Terrace and North Shore Open Space Park shall be subject to prior input from the North Beach Community

K. Minimum number of employees at watersport location may be increased during peak hours, from (3), if City Manager deems necessary

HANDOUTS:

1. Letter from Susan Weiner, Vice President, First Union Bank, N.A., dated October 15, 2001 to City Manager, RE: Issuance of Letters of Credit with regard to the Concession Agreement between the City of Miami Beach and Boucher Brothers Miami Beach, LLC (the Concession Agreement).
2. Drawing showing an umbrella with the words "Boucher Brothers"
3. Speakers list for items R7C / D.
4. Clarifying pager showing section 2.1 or the agreement
5. Email from Frand Del Vecchio, dated October 18, 2001, RE: Par. 2.1 Clarification

12:40:30 am.

R7D A Resolution Waiving By 5/7ths Vote The City's Competitive Bidding Requirements; Finding Such Waiver To Be In Best Interest Of The City; Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And Boucher Brothers Miami Beach, LLC, For The Management And Operation Of A Food And Beverage Concession On A Portion Of The City's 10th Street Auditorium, Located At 1001 Ocean Drive, Miami Beach, Florida, Consisting Of An Area No Greater Than 1,500 Square Feet; Said Agreement Having An Initial Term Of One (1) Year, And Thereafter On A Month-To-Month Basis, Terminable Without Cause And For Convenience, With Thirty (30) Day Written Notice, At The City's Discretion; Further Authorizing The Administration And City Attorney's Office To Prepare Said Agreement In Accordance With The Substantive Terms Set Forth In This Resolution.

(Economic Development)

(Deferred From September 20, 2001)

ACTION: Item heard in conjunction with item R7C. Resolution No. 2001-24647 adopted as amended. Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Voice vote: 7-0. Christina Cuervo to handle.

Amendments:

A. Include termination in the event Concession Agreement terminated

B. Manager to negotiate, seek agreement from MDPL, Ocean Drive, and execute or return to City Commission for approval in November

Vice-Mayor Bower stated that MDPL and the concessionaire have no understanding on a lot of issues. Jorge Gonzalez, City Manager, explained that the contract will not be signed until MDPL and Ocean Drive are in agreement with it.

8:51:50 p.m.

R7E A Resolution Approving The City's Year 2002 State Legislative Priorities.
(Economic Development)

ACTION: Resolution No. 2001-24648 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith ; Voice vote: 4-0; Absent Commissioner Cruz, Garcia and Liebman. Christina Cuervo to handle.

8:52:39 p.m.

R7F A Resolution Approving The City's List Of Emergency Legislative Priorities For Presentation To Congress And To The Special Session Of The Florida Legislature That Is Scheduled For The Fall Of 2001.
(Economic Development)

ACTION: Resolution No. 2001-24649 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia, and Liebman. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, added that one additional item was included in the Supplemental Materials package and reads as follows: 6) Retain all unencumbered State funds that have been granted or awarded by contract, annual allocation, grant or other award.

5:45:30 p.m.

R7G A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Firm Of Adshel/Clear Channel, Regarding Request For Proposals (RFP), No. 107-99/00 For The Placement Of Bus Shelter Structures And Other Street Furniture On The Public Right-Of-Way, In Which Adshel/Clear Channel Guarantees Revenue To The City, In The Amount Of \$1,500,000, For The Initial Ten Year Period Of The Agreement, And \$1,200,000 For The Five Year Extension, In Addition To An Escalating Percentage Of Advertising Revenue Sharing From 10% To 25% Through The Life Of The Agreement.
(Capital Improvement Projects)

ACTION: Resolution No. 2001-24650 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Fred Beckmann to handle.

Jorge Chartrand stated that there will be a maximum of 180 shelters. There are presently 107 shelter locations and additional locations are being explored.

Vice-Mayor Bower requested the Administration look into placing a bus shelter near the Publix on 20th Street. Jorge Chartrand to handle.

8:53:37 p.m.

R7H A Resolution Approving Additional Air Conditioning Work, In The Estimated Amount Of \$100,000, For The Bass Museum Expansion And Renovation Project, And Appropriating Funds, In The Amount Of \$100,000, For Repairs And Corrections To The Building Space Environment System. (Page 614)
(Capital Improvement Projects)

ACTION: Resolution No. 2001-24651 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 4-0: Absent: Commissioners Cruz, Garcia and Liebman. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

7:55:15 p.m.

~~R7I A Resolution Awarding A Construction Contract To _____, Pursuant To Invitation To~~

AfterAction

October 17, 2001

City of Miami Beach

~~Bid No. 58-00/01, In The Amount Of, \$ _____, Comprised Of The Following Previously Appropriated Funds: \$ _____, From The 1995 Parks General Obligation Bond Fund, \$ _____, From The 1999 General Obligation (GO) Bond Fund, \$ _____, From The Florida Recreation Development Assistance Program (FRDAP), \$ _____, From The United States Housing Urban Development (HUD) Department Section 108 Loan; For A Total Of \$ _____, Comprised Of \$ _____ For Construction, \$ _____ For Art In Public Places And \$ _____, To Cover The Capital Improvement Projects Office (CIP) Management Fee, For The North Shore Park And Youth Center Project.~~
(Capital Improvement Projects)

(Final Memo And Resolution To Be Submitted In Supplemental)

7:55:44 p.m.

SUPPLEMENTAL MATERIALS:

R7I A Resolution Approving And Authorizing The City Manager Or His Designee To Negotiate A Contract With The Collage Design And Construction Group, Inc., Doing Business As "The Collage Companies", As The Lowest Bidder In Response To Invitation To Bid No. 58-00/01, For The Construction Of The North Shore Park And Youth Center, In The Amount Not To Exceed \$5,861,232, Comprised Of Hard Construction And Contingency Costs For The Project; And If The Negotiations Are Successful, Approving And Authorizing The Mayor And City Clerk To Execute Such Contract; Additionally Appropriating Funds In The Total Amount Of \$1,174,779 From The 1999 General Obligation (G.O.) Bond Fund No. 377 To Complete The Balance Of Previously Appropriated Funds For The Construction Budget, And The Cost Of Furniture, Fixtures And Equipment, As Well As Art In Public Places, Capital Improvement Projects Office Management Fee, And The Program Management Fee.

(Capital Improvement Projects)

(Final Memo And Resolution)

ACTION: Resolution No. 2001-24652 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Liebman and Smith. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Mr. Jose Gomero with Regosa Engineering, Inc. spoke.

Legal Department declared the lowest bidder to be non-responsive because of an inadequate bid guarantee.

Tim Hemstreet stated that funding the base bid is short by about \$685,000. With the three (3) add/alternates included the funding is about \$1.4 million short. He stated that he believes the bid short fall can be negotiated. Jorge Gonzalez, City Manager, plans to make up the difference in the funding by awarding the contract to the lowest bidder and give staff an opportunity to negotiate down.

Commissioner Garcia expressed his concern with possible liabilities due to trenching accidents and requested the Administration to add language, which indemnifies the City including any fines imposed by the Federal Government.

8:42:35 p.m.

~~R7J A Resolution Awarding A Construction Contract To _____ In The Amount Of \$ _____, Pursuant To Bid No. 59-00/01 For The Renovation Of The Bayshore Golf Course And The Landscaping Of Chase Avenue And Alton Road On The Perimeter Of The Golf Course, And For The Appropriation Of Funding, In The Amount Of \$7,039,928, For The Project, And For An Agreement For The Demolition Of The Existing Clubhouse, Maintenance Buildings, Golf Course Bathrooms And Shelters, And Tennis "Pro" Office, In The Amount Of \$180,000, To Be Awarded To The Firm Of Metcalf & Eddy.~~

(Capital Improvement Projects)

(Final Memo And Resolution To Be Submitted In Supplemental)

SUPPLEMENTAL MATERIALS:

R7J A Resolution Approving Award Of A Contract To TDI International, Inc., In The Amount Of \$4,980,688.97, Pursuant To Bid No. 59-00/01 For The Renovation Of The Bayshore Golf Course And The Landscaping Of Chase Avenue And Alton Road On The Perimeter Of The Golf Course, And For The Appropriation

Of Funding, In The Amount Of \$7,039,928, For The Project, Which Includes Contingency, Testing and Permitting For The Irrigation Horizontal Wells, The Growing Period, Environmental Remediation And Renovation Of The Tennis Courts, And An Agreement For The Demolition Of The Existing Clubhouse, Maintenance Buildings, Golf Course Bathrooms And Shelters, And Tennis "Pro" Office, In The Amount Of \$180,000, To Be Awarded To The Firm Of Metcalf & Eddy.

(Capital Improvement Projects)

(Final Memo And Resolution)

ACTION: Resolution No. 2001-24653 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia, and Liebman. Patricia Walker to appropriate the funds. Tim Hemstreet and Kevin Smith to handle.

Mayor Kasdin thanked Mayra Diaz-Buttacavoli, Kevin Smith and Tim Hemstreet for their work on this project.

5:05:56 p.m.

R7K Resolution Accepting, In Concept, The Preliminary Proposed Master Plan For The 17th Street Site, Attached Hereto And Incorporated By Reference; Directing The Administration To Finalize And Refine Said Preliminary Proposed Master Plan As Phase II Of The Study, For Presentation To The Planning Board For Subsequent Final Adoption By The Mayor And City Commission; Directing The Administration To Negotiate With The New World Symphony To Proceed With Its Expansion Project; And Further Authorizing The Administration To Formally Request Miami-Dade Transit Authority Bus Route Changes Consistent With The Preliminary Proposed Master Plan.

(City Manager's Office)

(Resolution To Be Submitted)

ACTION: Resolution No. 2001-24654 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Voice vote: 7-0. Christina Cuervo to handle.

Commissioner Cruz asked who would be overseeing this project.

Jorge Gonzalez, City Manager, stated that he envisions two concurrent processes. 1) Work with the New World Symphony on the business aspects of how they will occupy City space and the lease arrangements. This will come back to the Commission at a future meeting; and 2) Work on phase II of the project which includes taking the conceptual plan long with the various alternatives to develop a site plan. This will include determining where on the site the Sound Space will be physically located and how it fits into the whole picture. There will be many workshops for citizen involvement and reviews by the Planning Board, etc. This is the beginning of a long range project. The Administration will be monitoring this project step by step.

Commissioner Liebman requested the Historic Preservation staff review vehicle congestion in the historic districts and see if parking can be moved to perimeter areas.

Handout:

1. Letter from Michael Comras, Chairman, Lincoln Road Marketing Inc., to Mayor and City Commission, dated October 15, 2001, RE 17th Street Surface lot study.
2. Letter David Kelsey, South Beach Hotel and Restaurant Association, dated October 17, 2001, RE: Objections of the Association to the adoption of the Zyscovich Master Plan calling for conversion of the existing 17th Street city parking lots to "greenspace".

R7L A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report; Adjusting His Salary Accordingly, Granting Deferred Compensation, Adjusting His Employment Contract; And Setting An Effective Date.

(City Manager's Office)
(Resolution To Be Submitted)

ACTION: Resolution No. 2001-24655 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 5-0; Absent Commissioners Liebman and Smith. Patricia Walker to handle.

Mayor Kasdin stated that the Manager has provided the Commission with a list of how he accomplished the goals established by the City Commission and a detail list of his accomplishments. He stated that the Manager has done an excellent job. He has equaled or exceeded the high expectations the City Commission established. In addition, because of the uncertain economic times, the Manager has agreed to forego his bonus. The remainder of his compensation package is outlined in the commission memorandum.

Commissioner Cruz commended the Manager on the amount of positive changes he has made and the professionalism he has brought to the City. He complimented the Manager for agreeing to defer part of his compensation showing his leadership and sensitivity during these economic times.

Commissioner Dermer stated that he is very proud of the Manager especially what he has done to the Capital Improvement office. He has de-politicized the Manager's Office and has followed the direction of the majority of the City Commission.

Commissioner Bower stated that she agrees with everything that has been said and added that the Manager is very professional. He does his work with integrity and has not shown an ego. He has made her first two years as a Commissioner very pleasant.

Commissioner Garcia stated that the Manager is head and shoulders above anyone he has worked with throughout his last 10 years. Overall out of 100 he ranks the Manager a 99.9. He thanked Jorge for taking the initiative to defer his increase.

Mayor Kasdin stated that overall the Manager has done an excellent job.

8:54:23 p.m.

R7M A Resolution Adopting The First Amendment To The Fiscal Year (FY) 2000/2001 General Fund Budget To Appropriate The Prior Year Encumbrances And Increase Certain Department Budgets In The General Fund.

(Finance Department)

ACTION: Resolution No. 2001-24656 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia and Liebman. Patricia Walker to handle.

R7N A Resolution Authorizing The City Manager, Or His Designee, To Award And Sign All Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications That May Affect The Health, Safety, Or Welfare Of The City; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; And Toll All Acts Relative To Administrative Appeals Provided For In Subpart B, Land Development Regulations Of The Code Of The City Of Miami Beach, From The City Commission Meeting Of October 17, 2001, Until City Commission Meeting Of November 28, 2001, Subject To Ratification By The City Commission At Its Meeting On November 28, 2001. **Joint City Commission And Redevelopment Agency**

(Procurement)

ACTION: Item heard in conjunction with item 3D. Resolution No. 2001-24657 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Gus Lopez to handle. Lilia Cardillo to schedule any ratification items which may be necessary.

10:05:20 p.m.

R7O Emergency Legislation Regarding Economic Revitalization:

- 1) A Resolution Amending City Of Miami Beach Resolution No. 99-23129 Which Legislation Established A 25 Cent Fee For Patrons Of Electrowave Shuttle, By Providing That The Per-Patron Charge Of 25 Cents Shall Be Waived After 9pm For A Period Of 44 Days From October 18, 2001 To December 1, 2001; Further Authorizing The City Manager To Extend Said Waiver Period By An Additional Period Not To Exceed 90 Days From December 1, 2001, If Deemed Necessary By The City Manager, Without Any Further Action By The Mayor And City Commission; Declaring A Public Emergency That Negatively Affects Property Of The Tourism Industry In The City And Citizens Of Miami Beach As A Whole.

ACTION: Resolution No. 2001-24658 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Joseph Johnson to handle.

10:06:03 p.m.

- 2) A Resolution Authorizing And Appropriating \$100,000 From FY 2002 Resort Taxes To Be Contributed Towards The Greater Miami Convention And Visitors Bureau "What Makes You Happy" Marketing Campaign; Declaring A Public Emergency Exists That Negatively Affects Property Of The Tourism Industry In The City And Citizens Of Miami Beach As A Whole.

ACTION: Resolution No. 2001-24659 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Commissioner Cruz asked Mr. William Talbert, GMCVB, if the Bureau can help the City of Miami Beach work with Miami-Dade County to help defray some of the costs associated with the NSYNC event. Mr. Talbert stated "absolutely."

Commissioner Cruz asked that the City Manager work with the Greater Miami Convention & Visitors Bureau to let them know what Miami Beach needs for the NSYNC event.

Commissioners Liebman asked how the money was going to be spent. Mr. Talbert stated that in order to get the message out the GMCVB is using print, magazines, newspapers, media relations, internet, radio, and the Amtrack train via their visitors guide is being utilized.

10:16:50 p.m.

- 3) A Resolution Authorizing The City Manager And Designees To Take All Necessary Action, Including Funding All Necessary Expenditures, To Support The *NSYNC Free Benefit Concert And All Related City Produced Special Events Planned For Veteran's Day Weekend 2001; Declaring A Public Emergency Exists That Negatively Affects Property Of The Tourism Industry

In The City And Citizens Of Miami Beach As A Whole.
(Economic Development)

ACTION: Resolution No. 2001-24660 adopted. Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Dermer. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, stated that Resort Tax monies will be used for any expenditures. He also stated that both the Police and Fire will volunteer their services on that day.

Mayor Kasdin stated that he has invited Governor Bush to be the Grand Marshal at the Veterans' Day Parade.

12:04:43 am.

R7P A Resolution Authorizing The City Manager To Negotiate The Terms Of The Purchase Of The Property Located At 1701 Meridian Avenue (The "Subject Property" A/K/A 777 17th Street/The Equity One Building And Parking Lot) And Authorizing The City Manager To Negotiate The Terms Of A Settlement Agreement Between Gazit (Meridian) Inc. And The City Of Miami Beach Which Provides For The Dismissal With Prejudice Of Litigation Styled Gazit (Meridian) Inc. Vs. City Of Miami Beach, 11th Judicial Circuit Court Case No. 00-30164 Ca 24 And For The Execution Of A Purchase And Sale Agreement For The Subject Property. And Authorizing The Mayor And City Clerk, And All Necessary Personnel, To Execute The Negotiated Settlement Agreement And Purchase And Sale Agreement After Further Consideration And Approval Of The City Commission, And Further Authorizing The Mayor, City Clerk And All Necessary City Personnel To Execute Such Other Documents As May Be Necessary To Effectuate The Intent Of This Resolution.

(City Attorney's Office)

ACTION: Resolution No. 2001-24661 adopted. Motion made by Commissioner Liebman to adopt the resolution and appropriate the money; seconded by Vice-Mayor Bower; Voice vote: 7-0. Christina Cuervo and Patricia Walker to handle.

Mayor Kasdin stated that because of the drastic changes in the real estate market in the last 30-days, the Administration should seriously look at revisiting the price for this parcel.

Handout:

1. Copy of the proposed Resolution

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

Action: Not reached.

R9A1 Appointment Of Heidi Siegel To The Design Review Board.
(Requested By Commissioner Nancy Liebman)

Action: Deferred.

12:06:14 a.m.

R9A2 Reappointment Of Steve Chaykin And Betty Gutierrez To The Housing Authority. (Page 800)
(Requested By Mayor Neisen Kasdin)

Action: Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. R. Parcher to handle.

3:18:32 pm.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

1) Torquill Smith: Spoke on expanding the pilot project on the homeless to step two. Since 9/11/01 things have changed. He knows that the police department is more concerned with crime and issues of national security. He will like to have the ideas presented to the police department and City Hall put into effect without too much involvement from the Police Department. He would like to schedule a meeting with Lyssette Cripps and Captain Francis Conwell. Mayor Kasdin stated that the City Manager or Administration will help him on this.

2) Hector Godoy: He spoke on behalf of the street performers. He is one of the lucky ones that received a permit. He feels that at a time like this, people need a free show and they can provide it. There is a lot of space and there could be a lot more street performers. He invited everyone to visit him and to give him suggestions as to how to serve the City better. Street performers entertain the tourists and the City needs the tourists.

3) Ernesto: Spoke on the traffic situation on 41st Street and approximately 49th Avenue. He requested that the Commission notify FDOT and allow opening up the right lane that is now used for parking. Administration could look into using the parking lane on 41st St. for traffic in the area where the road narrows to two lanes around 49th Ave. Jorge Gonzalez, City Manager, reminded everyone of the notion of Indian Creek Greenway. He stated that the City will be notifying FDOT soon and that FDOT will use the right of way to create the pedestrian lane. He does not want to send a mixed message. and asked the commission what to tell FDOT. Do we tell them to consider the Indian Creek Greenway, or do we tell them to take care of the traffic congestion?

Gregory Impeciati: He stated that we have the best bus drivers, the best mailmen, and the best night time traffic ticker givers. He feels that we need to be compassionate and generous. He would like to see; 1) the Friendship Center at Flamingo Park revitalized, 2) the City of Miami Beach create a "World Awareness Celebration of Life" celebration such as a parade, 3) create a care center on the beach and also recommend a referendum for a jail or holding place on the beach. Nobody has taken care of the homeless in the last ten years. They need to be treated as people. We need to take care of our own.

Handout:

1. Speakers list

1) Bea Kalstein: She is very pleased with the Manager's performance. She asked him to keep the "special interest groups" out of the cash register and also the non-profit organizations. She told the manager that he needs to be very cautious during this time of crises. There is a greed for money and people loose their values.

2) Jim Schlobohm: Spoke about the Alton Road Traffic Calming Study. 1) He requested that the Commission directs the Administration to give them a status report as to how are they making up the difference of the \$3.2 M on the General Obligation Bond Fund. Commissioner Dermer clarified that the shortfall is on the matching funds from FDOT that never materialized and not from the General Obligation Bond Fund. Mr. Schlobohm agreed that this is correct. 2) He wants to go on record that the members of the Traffic Calming Committee are requesting the Administration direct City Staff to let the committee review and approve the traffic calming final plan prior to FDOT putting it out for bids. 3) He has concerns with the request sent to FDOT, by the Commission, on the Mt. Sinai Ramp Project. There is no record in the City of Miami or in FDOT of concurrence on this project. He is requesting that the City stops this project and makes it come into concurrence. The Traffic Calming Committee will approve of this project only if it ties into the Traffic Calming Project.

Regina Suarez: Alton Road Traffic Calming Committee. She emphasized that, the Committee wants the Mt Sinai Ramp Project stopped due to no concurrence. The residents are against this project.

Mayor Kasdin recommended that the Committee focus on restricting the flow of traffic coming from the north from Harding Ave.

Commissioner Dermer instructed administration to prepare a resolution for the Commission to take a stand against the project. Joseph Johnson to handle.

R9C Discussion Regarding The Alaska Parcel.
(Requested By Commissioner Nancy Liebman)
(Deferred From September 20, 2001)

ACTION: See items R5G and R5H.

R9D Discussion Regarding Recommendations From The South Beach Hotel And Restaurant Association, To Mitigate Expected Downturn In Tourism And Implementing "Tourist Friendly" Parking Changes.
(Requested By Commissioner Jose Smith)

ACTION: See items R5O and R7O.

R9E Discussion Regarding Undergrounding Of Utilities.
(Requested By Commissioner Nancy Liebman)

ACTION: Not reached.

9:18:13 p.m.

R9F Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service"; Providing For Repealer, Severability, Codification, And Effective Date.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Garcia instructing the Administration to bring the Ordinance for first reading on November 28, 2001; seconded by Commissioner Smith; Voice vote 7-0. Mayra Diaz Buttacavoli to handle.

9:00:37 p.m.

R9G Discussion Regarding Advertising On Pay Telephones. (Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Cruz instructing the Administration to develop criteria for advertising on pay telephones to have the criteria reviewed by the Design Review Board and if the telephone is in the historic district to get Historic Preservation Board review; seconded by Mayor Kasdin; Voice vote: 6-1; Opposed: Commissioner Liebman. Jorge Gomez to handle.

Murray Dubbin, City Attorney, stated that if the Public Service Commission wants to regulate advertising on pay telephones, then the local ordinance is pre-empted by State Law. He also stated that the City cannot drop the appeal. Any City Ordinance pre-empted by State Law then fails.

8:55:19 p.m.

R9H Discussion Regarding An Ordinance Providing A Procedure For Resolving Protested Invitation For Bids (BIDS), Request For Proposals (RFPS), Request For Qualifications (RFQS), Request For Letters Of Interest (RFLIS), And Proposed Contract Awards; Providing For Severability; Providing For Codification; And Providing For An Effective Date.

(Requested By Commissioner Jose Smith)

ACTION: Discussion held. Motion made by Vice-Mayor Bower instructing the Administration to come back with the Ordinance for first reading on November 28, 2001; Seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Liebman. R. Parcher to notice. Lilia Cardillo to place on the agenda. Mayra Diaz Buttacavoli to handle.

R9I Discussion Regarding Espanola Way Sidewalk Café, Parking And Road Impact Fees. (Page 870)
(Requested By Commissioner Nancy Liebman)

ACTION: Not reached.

9:23:43 p.m.

- R9J Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 102 Entitled "Taxation" By Creating Article VI Thereof Entitled "Historic Property - Ad Valorem Tax Benefits", Sections 102-386 Through And Including Section 102-391, Authorizing Ad Valorem Tax Exemptions For Historic Properties; Providing For Severability; Codification; Repealer; And An Effective Date
(Requested By Commissioner Nancy Liebman)

ACTION: Discussion held. Motion made by Commissioner Cruz to refer to the Finance and City Wide Project Committee to evaluate the financial impact; seconded by Commissioner Dermer; Voice vote: 6-0; Absent: Mayor Kasdin. Patricia Walker to place on committee agenda. Patricia Walker and Jorge Gomez to handle.

10:10:48 a.m.

- R9K Discussion Regarding Banana Republic's \$20,000 Donation To Begin The Restoration Of The Rotunda In Historic Collins Park.
(Requested By Commissioner Nancy Liebman)

ACTION: Presentation made by Commissioner Liebman.

- R9L Discussion Regarding A Status Report On The Carillon Project.
(Requested By Commissioner Jose Smith)

ACTION: Not reached.

7:27:10 p.m. Part I**7:43:47 p.m. Part II**

R9M Discussion Regarding Ronald Molko's Letter Requesting An Extension For The Operation Of 1458 Ocean Drive - Parking Lot.

(Requested By Mayor Neisen Kasdin)

ACTION: Discussion held.

Motion made by Commissioner Cruz to extend the use of the lot for six (6) months. City Attorney Dubbin was not in the room. The Mayor requested this item be completed when Mr. Dubbin returns.

Jorge Gonzalez, City Manager, asked the City Attorney if this is legally correct to do.

Murray Dubbin, City Attorney, stated that Administration could be instructed to create another Ordinance to create a moratorium. He suggested that the Commission instruct the Administration to prepare an ordinance extending the moratorium. The enforcement is in the hands of Administration.

Motion made by Commissioner Cruz directing the Administration to place a Moratorium Ordinance on the November 28, 2001 meeting, set a public hearing for the first meeting in April, 2002, that the City be indemnified and hold harmless, and the enforcement is in the hands of Administration; seconded by Vice-Mayor Bower; Voice Vote 5-0. Absent: Commissioner Liebman and Commissioner Smith. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

Handout:

1. Color rendition of the De Soleil South Beach

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.)

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On October 17, 2001 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

Gazit (Meridian) Inc., A Florida Corporation Vs. The City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 00-30164 CA 24

The Following Individuals Will Be In Attendance: Mayor Neisen Kasdin; Members Of The Commission: Matti Herrera Bower, Simon Cruz, David Dermer, Luis R. Garcia Jr., Nancy Liebman, And Jose Smith; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, And First Assistant City Attorney Debora Turner.

ACTION: Announced and held.

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On Fire Station 2 Rehabilitation And Building Addition.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Status Report on the Collins Park Cultural Center.
(City Manager's Office)

ACTION: Written report submitted.

- F Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.
(Procurement)

ACTION: Written report submitted.

- G Public Hearings Before The Planning Board For The Regular Meeting Of October 30, 2001.
(Planning Department)

ACTION: Written report submitted.

H Status Report On 72nd Street Site Development Concept.
(City Manager's Office)
(To Be Submitted In Supplemental)

ACTION: Withdrawn.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
October 17, 2001**

Chairman of the Board Neisen O. Kasdin	Present
Member of the Board Matti Herrera Bower	Present
Member of the Board Simon Cruz	Present
Member of the Board David Dermer	Present
Member of the Board Luis R. Garcia, Jr.	Present
Member of the Board Nancy Liebman	Present
Member of the Board Jose Smith	Present

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Eleven Months Ended August 31, 2001.
(Submitted Under Separate Cover)

Action: Written report submitted.

- B Anchor Shops And Parking Garage - Monthly Status Report On Parking Operations, Month Of August, 2001.

Action: Written report submitted.

3. NEW BUSINESS

10:39:18 am.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Omission Of Work (Washington Avenue From South Pointe Drive To First Street And From Fourth Street To Fifth Street) From The Agreement With Atlantic Civil, Inc., For The South Pointe Streetscape Improvements - Phase I Construction Project.

Resolution No. 397-2001 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Dermer. Christina Cuervo to handle.

Murray Dubbin, City Attorney, advises to be on litigation alert. This matter is in the control of City

Staff and the City Attorney's Office to make sure that the City is doing the right thing. He recommends that this is approved. If any Commissioner wants specific information they should meet privately with the City Manager.

10:49:04am.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating \$360,203.45 From Revenue Derived From The Operation Of The Anchor Shops And Parking Garage, In Order To Pay The 2001 Ad Valorem Property Taxes On The Anchor Shops And Parking Garage.

Action: Resolution No. 398-2001 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Dermer. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

10:49:46 am.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating \$ 71,668.31 From The FY 00/01 South Pointe Tax Increment Funds To Pay Ad Valorem Taxes Due To The Miami-Dade County Tax Assessors Office For Tax Years 1994, 1995, And 1996, For A Portion Of The City-Owned Property Within South Pointe Park, Located At 1 Washington Avenue, And Leased To One Washington Avenue Corp. For The Smith & Wollensky Restaurant.

Action: Resolution No. 399-2001 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds. Patricia Walker to handle.

10:50:31 am.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Award And Sign All Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications That May Affect The Health, Safety, Or Welfare Of The City; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; And Toll All Acts Relative To Administrative Appeals Provided For In Subpart B, Land Development Regulations Of The Code Of The City Of Miami Beach, From The City Commission Meeting Of October 17, 2001, Until City Commission Meeting Of November 28, 2001, Subject To Ratification By The City Commission At Its Meeting On November 28, 2001.
Joint City Commission And Redevelopment Agency

Action: Item heard in conjunction with item R7N. Resolution No. 400-2001 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Gus Lopez to handle. Lilia Cardillo to schedule any ratification items which may be necessary.

- E A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Amending MBRDA Resolution No. 307-98 (Which Legislation Approved The Proposed Parking Rate Structure And Operating Budget For FY 1998/99 For The Operation Of The Parking Component Of The Anchor Shops And Parking At South Beach) By Authorizing Parking At No Cost For The First Hour At The City's 16th Street Garage For A Period Of 44 Days From October 18, 2001 To December 1, 2001; Further Authorizing The Executive Director To Extend Said Parking Fee Reduction Period By An Additional Period Not To Exceed 90 Days From December 1, 2001 If Deemed Necessary By The Executive Director, Without Any Further Action By The Chairman And Members Of The Redevelopment Agency; Declaring A Public Emergency That Negatively Affects Property Of The Tourism Industry In The City And Citizens Of Miami Beach As A Whole.

Action: Resolution No. 401-2001 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Voice vote: 7-0. Christina Cuervo to handle.

End of RDA Agenda

Meeting Adjourned at 12:12 a.m. October 18, 2001.